Quid Novi

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FACULTE DE DROIT UNIVERSITY McGILL | March 2, 1983
2 mars, 1983

They Didn't Vote

by Joseph Rikhof

Faculty Council failed to make a decision on student representation during its meeting on Feb. 16th, due largely to the dilatory dalliances of Prof. Scott.

The initial portion of the meeting was a closed session of faculty, scheduled to take 15 minutes. Nevertheless, it was 35 minutes before the 50 waiting students were permitted to enter. Then, another 10 minutes were spent by Prof. Scott during the adoption of the agenda, which he found confusing.

The next item, the adoption of the Alan Assh award for a student with an outstanding record in a business law course, went smoothly and quickly. The following item -- the student motion to increase student representation on Faculty Council -- saw the continuation of the Prof. Scott one-man show (he had already introduced the Alan Assh award). Prof. Scott was of the opinion that the faculty meeting was not properly announced. The Dean ruled that there had been proper notice, and by the time Prof. Scott had appealed the decision of the chair, and lodged a dissenting vote against the successful motion to sustain the ruling of the chair, it was already past 5 p.m. Only then were the merits of the representation issue addressed.

Faculty Council on Student Representation, Today at 4 p.m.

The motion was tabled by Prof. Durnford, who stressed its reasonableness and noted that when students had been given the opportunity to sit on Council in 1972 no disasters resulted. He thought an increased number of students would improve the atmosphere in the faculty council.

Prof. Scott dillies

After this brief interlude, Prof. Scott again took the floor for another 20-25 minutes. His arguments were the same as last year's and the year before, but he felt obliged to repeat them . At stake was a power play, he said. With 7 instead of 4 students on the council, students would carry the vote when his colleagues split 10-4. As a result, students would start caucusing and interfering with council members' independence. It was the integrity of the academic institution that was at stake in this issue, he added. Professors, as trustees of that integrity, must avoid the chaos and degeneration found in other faculties (e.g. Arts), which would result if student representation were to increase. Students may be talented but they are not equals. Therefore, he continued, in the fallible world of academic institutions, increases representation would be too great a danger.

Prof. Scott dallies

Prof. Scott did not favor

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Legalese Charter passed

The Moot Court Board announced today that the proclamation of the Legalese Language Charter on March 2, 1983, will cause far-reaching changes within the Faculty. The Charter is a bold new scheme to protect the monopoly of the profession on Legalese by ensuring that it is used within the faculty in its highest and purest form. The Charter provides that professors and students who converse in inaudible, incomprehensible, illegible, ungrammatical or inconcise legalese may be the subject of a petititon to the Commission of Surveillance.

The Commission has the discretion to prosecute offences at the Student-Faculty Moot on March 15. The Moot Court Board Strongly urges both students and professors to not only be very careful in their own use of legalese, but also to accept responsibility for that of their colleagues. Please file a petition with the Commission whenever you are witness to an offence. Our personal law dictionary is the basic tool of our trade. Let's work together to edit them.

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Ski Trip

On Friday, Feb. 11, the first annual Bob "Snow King" L'Esperance and Peter "General" McArthur ski extravaganza took place. True to his namesake, McArthur had things almost as well organized as the British at Galliopoli. The loading of the luxurious Murray Hill Strato Cruiser was carried out with nary a hitch by immaculately dressed valets specially hired for the occasion. As the joyous law students snacked on caviar and donuts, any grumblings about the $300 cost of the trip were quickly silenced by burly guards specially retained for just such a contingency.

As usual on outings of this kind, the seating arrangements were a veritable who's who of the legal fraternity. In the front were Bar School Keeners, preppie former Law Journal editors and frustrated bus drivers. In the middle were the emotionally stable types, while the rear was packed with the dregs of society engaging in lord knows what kinds of depraved and twisted acts, intent only on their primitive urges. Those who hadn't found a seat in the back were more than a little ticked off.

Upon arrival at Mt. Tremblant a fascinating discovery was made; the amount of time a woman takes to put her ski boots on is a constant, which cannot be increased by any power known to man. Nevertheless, approximately 45 minutes after touchdown the first intrepid band of skiers sallied forth, led by Fred "Keep your tips up" Hoefert and Dave "Downhill" Whalen. The woman's team, anchored by Elise Paul-Hus and Renée Senneville was, however, equal to the challenge as they skied turn for

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Charter of the Language of Law For Pedagogical Purposes

Preamble

Whereas legalese, the distinctive language of a people that is in the majority legally-trained, is the instrument by which that people has articulated its identity;

Whereas the Moot Court Board of McGill recognizes that law students wish to see the quality and influence of legalese assured and is resolved therefore to make it the language of the Faculty, as well as the normal and everday language of work, instruction, conversation, examination and mooting;

Whereas the Moot Court Board of McGill intends in this pursuit to deal fairly and openly with the first year students, whose valuable contribution to the development of the Faculty it readily acknowledges;

Whereas the Moot Court Board of McGill recognizes the right of the reasonable man, bon père de famille and prudent administrator, the foundation of the law, to preserve and develop his original language and culture;

Whereas these observations and intentions are in keeping with a new perception of the worth of education in all parts of the earth, and of the obligation of every person to contribute in his special way to the academic community;

Therefore, Her Majesty, with the advice and consent of the Moot Court Board of McGill, enacts as follows:

TITLE I

THE OFFICIAL LANGUAGE OF THE FACULTY

1. In this Act,
"Faculty" means the Faculty of Law of McGill University;

"legalese" means the use of a specialized technical vocabulary relating to legal concepts, including bottom lines, threshold questions, toothless tigers, swords and shields and cotlerisms;

"person" shall include all natural and artificial persons within the Faculty having the status of professor or student.

"Student-Faculty Moot" means the annual competition between students and professors of the Faculty on March 15, 1983.

2. Every person eligible for instruction in the Faculty has a right to receive that instruction in legalese which is audible, modulated, articulate, relevant and comprehensible.

3. Legalese is the language of all lectures, moots, examinations and meetings within the Faculty.

4. Persons addressing themselves to classes and to internal bodies discharging representative or administrative functions shall do so in oral legalese which is audible modulated, articulate, relevant and comprehensible, and shall establish eye contact with their audience.

5. Persons writing for students, professors, the university administration or the legal community shall do so in written legalese which is legible, grammatical, relevant, concise and comprehensible.

6. Section 5 does not apply to communiqués or publicity intended for news media that publishes in a language other than legalese.

7. Without restricting the generality of the foregoing, the following are offences under this Act:

   (a) cruelty to persons
   (b) compulsive questioning, including
      (i) such professorial habits as "Am I boring you?", "Do you see it?" and "Okay?", and
      (ii) student hand-wavers saying "Excuse me, I don't understand..." and "Will this be on the exam?".
   (c) wilfull blandness
   (d) keeping a common gaming house for the purpose of marking examinations
   (e) causing mass confusion
   (f) becoming dangerously excitable for fraudulent pedagogical reasons
   (g) committing, alone or in concert with policy or historical material, excessive flogging of an obscure point or suffering from total irrelevance
   (h) failing to continue an enumeration once announced
   (i) putting a person or persons to sleep or repeatedly driving a student to sleep against his or her will. No professor shall be deemed to commit this offence if he puts himself to sleep.

8. A Commission of surveillance is established to deal with complaints relating to failures to comply with this Act.

9. Members of the Commission shall be appointed by the Moot Court Board. The Commission shall make an inquiry whenever they have reason to believe that this Act has not been observed.

10. Any person or group of persons may petition for an inquiry.

    Petitions for inquiry must be in writing and be accompanied with indications of the grounds on which they are based and identification of the petitioners. Petitions may be delivered to the "Moot Court Board Office" (Moot Court Board). The identity of a petitioner may be disclosed only with his express authorization.

11. When, after an inquiry, a Commission considers that this Act or the regulations hereunder have been contravened, he may put the alleged offender in default to conform within a given delay.

    If the Commission considers that the offence has continued beyond such delay, the record shall be forwarded to the Moot Court Board and, if necessary, appropriate mockery proceedings will be instituted at the Student-Faculty Moot.

Ski-Trip
Cont'd from p. 2

turn with the men.

As the sun set, those still standing retired to the bar for milk and cookies. On the trip back Mike LaRivière insisted on stopping for a case of hot chocolate, so all the tired skiers would be snug and comfy on the way home. To this observer that unselfish act was but a microcosm of the day, as heretofore aggressive competitive law students were metamorphosized into loud aggressive skiers. To some it was not unlike a religious experience.

From the Top of
Sissy Schuss
Wayne Burrows

McCarthy & McCarthy

Michael Quigley, LL.B. 1977, will represent the Toronto law firm, McCarthy & McCarthy on Friday, March 4 at 1 p.m. in the Common Room.

He will discuss with any interested student the rules of the Law Society of Upper Canada regarding the articling and interviewing process, as well as the teaching term of the Ontario Bar Admission Course.

Ogilvy Renault

G.B. Maughan, Chairman of the Students and Stagières Committee of Ogilvy Renault, will be present at the Law Faculty on March 10, 1:00 p.m. in the Moot Court in order to meet with interested students and discuss recruiting procedures at Ogilvy Renault.

His remarks will be of particular interest to Second Year Civil Law and Third Year National Programme students since the firm will be interviewing those students this Fall for 1984 summer employment.

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the motion because the "nagging" might stop for a while, yet students would come back and decide that this ratio was not sufficient. He believed that the motion was on the agenda because the Dean was worn down from all the years of his burdensome office. Prof. Bridge added to what Prof. Scott had said. He was mainly concerned with the fact that the running of this law school, with its delicate balance between civil and common law, was difficult. He stated that he had no confidence in the students' ability to be of help in this process. Similarly he had not been impressed with the quality of debate in recent years. His last argument referred to a lack of student understanding of the other responsibility of professors: research. This attitude was reflected by the proposal of a study week and might result in future proposals regarding grading, paper assignments, and restrictions of cases in courses. The only other council member who spoke against the motion was Prof. Somerville who reiterated the concern that students, because they do not have the same priorities and conflict of interest as professors, could not weigh decisions the same way.

Then the supporters of the motion finally took the floor.

Prof. Grey took issue with some of Prof. Scott's comments. In his opinion the faculty has no strong political power. Moreover in any issue the student vote cannot overcome an overwhelming majority. He also disagreed with Prof. Scott's analysis that inflation of degree value was caused by increased student participation. However, he was concerned about backvoting, and he would require that any increase of student representation would not result in a formation of party lines or putting pressure on delegates.

The next speaker, Roger Cutler, explained the motion to Faculty Council and stressed more than once the reasonableness of the motion. He pointed out that students have proven that they have acted responsibly both in Faculty Council and in faculty committees. He thought that it would be time to discuss the motion itself and not only student representation in general. Faculty Council should leave this issue behind and look at the real problem that they are facing

Prof. Crépeau had two reasons for favoring the motion. First, it would only be fair to apply the same ratio that was used when students were first allowed in the Council. Secondly, he supported the motion because a graduate student would be a representative. Stéfan LeGouëff

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Editorial

The internal factor

"The internal factor involves real or perceived issues of governance, particularly that of student representation on Faculty Council, and faculty attitudes towards students. Here, the Faculty perhaps gets in its own way, interferring with the full utilization of a highly competent staff and a generally superior student body, and with the full development of the immense potential of the National Program." This conclusion of the Faculty Review manifested itself at the last Faculty Council meeting. When faced with a hard issue, Faculty Council let its inner divisions sabotage its decision making ability. As a result, no vote was taken on student representation.

Conduct of this nature is precisely what the Review sees as detrimental to the law school's development. Student representation is an important issue but petty squabbling on Faculty Council only serves to deteriorate the functional capacity of that body. When the Review sets out specific proposals, non-Faculty Council meetings like the last one only delay the implementation and regeneration of the law school. To continue with these results does not bode well for the future of McGill

Demetrios Xistris

Irwin Cotler: Working against the clampdown

Professor Irwin Cotler has been deeply involved in the Rauca case. Last week, Gary Lawrence interviewed him for Quid Novi.

QN: Who is Helmut Rauca?

Cotler: Rauca is presently a Canadian citizen who emigrated to Canada in 1950 and secured a citizenship in 1956. On June 21, 1982 he was arrested on charges of having been responsible for the killing of some 11,544 Jews between the period of August and October of 1941. The warrant for Rauca's arrest was first issued in 1962, twenty years before he was apprehended in Canada. The Interpol, and the German authorities in particular, made representations to Canada in 1972. It was alleged at the time that he might be here. Somehow, it took ten years for the RCMP to discover that Rauca was indeed here, and to arrest him in 1982. This notwithstanding that Mr. Rauca was living openly and with a Canadian passport, driver's licence and social insurance number. He made trips back and forth to West Germany in that time, and in no way sought to mascerade or disguise his identity. This may say something about other aspects of security-related law enforcement activities in Canada.

QN: How did he get into Canada in the first place?

Cotler: The answer to that question points out a historical assymmetry. Two professors from Toronto have recently co-authored a book called "None is Too Many" which chroncicles Canada's rather dismal immigration policy towards refugees fleeing the Holocaust during the Second World War. It documents that of all countries, Canada had the worst record with respect to admission of Jewish refugees while the Holocaust was being organized and perpetrated. Canada admitted only 5,000 refugees. Countries with far fewer resources admitted far more people. The other side of the coin is that while Jewish refugees were being kept out, Nazi war criminals were allowed in.

There was no real surveillance for Nazi war criminals and there are no records as to how these people got in, what questions they may have been asked, what misrepresentations may have been given, and the like. Whereas in the United States the Department of Justice has been able to move to revoke citizenship of Nazi war criminal on the grounds that they had fraudulently misrepresented material facts in applications for citizenship, the Canadian government claims to have no record of any fraudulent misrepresentations simply because it has no records at all. So to answer the question "how did they get in?" is simply that there was no real attempt to ensure that they would be kept out. While the phrase "None is Too Many" characterizes the Canadian policy towards Jewish refugees fleeing the Holocaust, I would say "one is too many" applies to Nazi war criminals. Just ONE Helmut Rauca is too many. Regrettably, there are too many war criminals living in our midst, and the question now becomes, what are the legal remedies that will be adopted to bring these people to justice?

QN: What has the Rauca case done to clarify what legal remedies are available?

Cotler: I think the significance of the Rauca case in historical and legal terms is that it has made the public aware that we are not talking about shoplifters or petty criminals. These people committed the most heinous crimes in our history. There are suspected mass murderers in our midst and the question is whether the combined passage of time and government inaction are going to result in these people being immune from the legal process. There should be no Statute of Limitations for the greatest mass murderers in history. When one looks at the enormity of these crimes, it makes a mockery of the rule of law that they should be able to walk around freely. So the Rauca case has helped to make the public aware of the horrors of the Holocaust, and of people who were responsible for the perpetration of those horrors. It has also shown that there are legal remedies available to bring these people to justice, in particular extradition. The lower court concluded that extradition can stand the test of the Charter of Rights. I trust this judgement will be sustained in appellate proceedings.

The Rauca case also shows, however, that while extradition is an appropriate remedy, it is a limited remedy. Most of the Nazi war criminals living in Canada are non-extraditable, either because no one will ask for their extradiction, or because Canada will not extradite them to countries we don't have an extradition treaty with - eg. the Soviet Union. Even if we do have a treaty with a country like Czechoslovakia, for example, and we ask for their extradition, we may choose not to extradite as a matter of policy because we feel that

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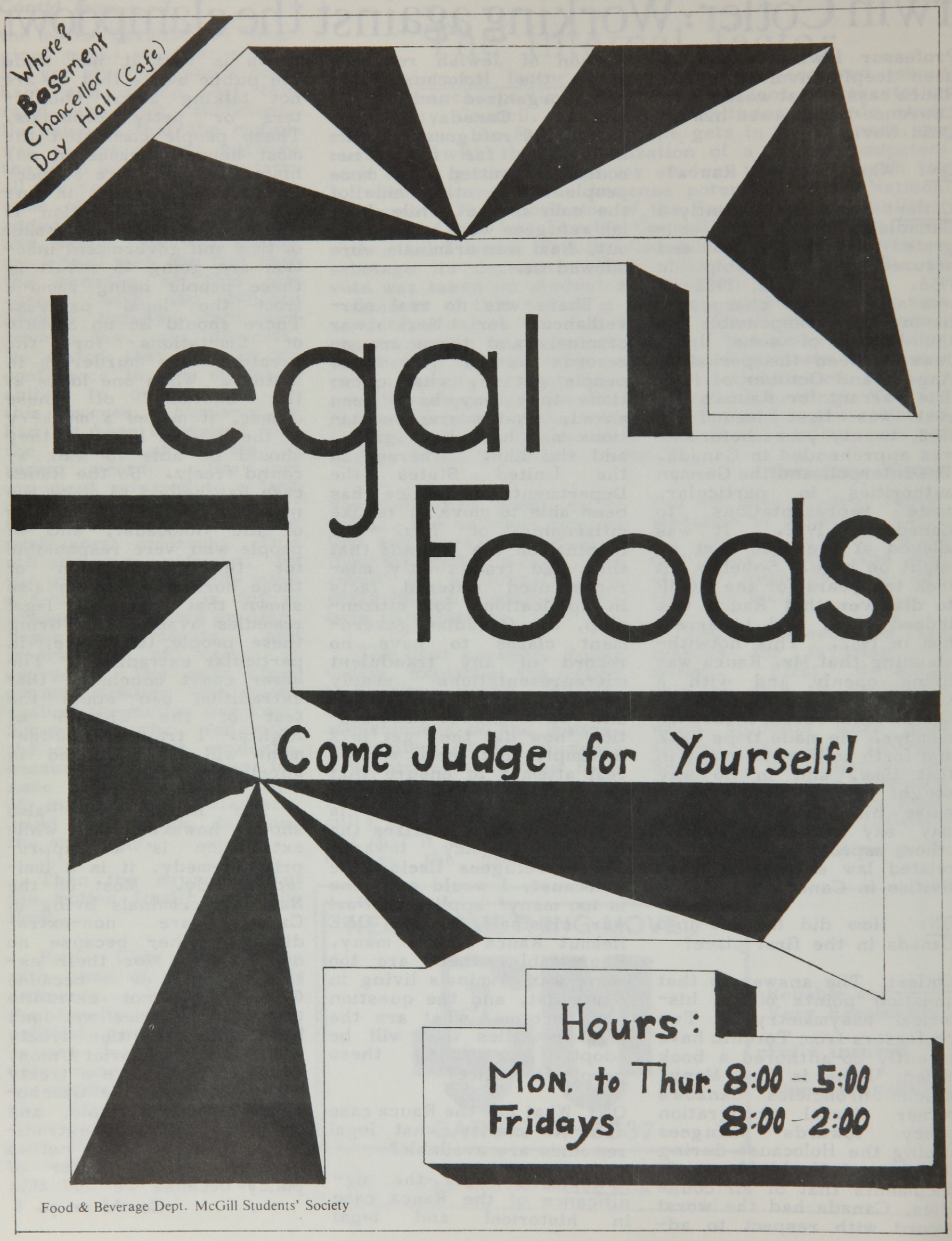
Where?
Basement
Chancellor
Day Hall (Cafe)
Legal
Foods
Come Judge for Yourself!
Hours :
Mon. to Thur. 8:00 - 5:00
Fridays 8:00 - 2:00
Food & Beverage Dept. McGill Students' Society

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THE STUDENT-FACULTY MOOT

12. The Bench shall be composed of three Judges to be appointed by the Commission of Surveillance from within the Faculty, University or Canadian legal profession.

13. All rules of evidence and procedure as taught, generally understood, or contained in any course summary in Judicial Law, Judicial Law and Evidence, Civil Procedure, Evidence, or Criminal Law II in the Faculty or as provided in the Civil Code of Québec, Civil Code of Lower Canada, Draft Civil Code, Civil Code of Procedure the Criminal Code, Rules of Practice, Uniform Evidence Code, Canada Evidence Act, Canadian Bill of Rights, the Canadian Charter of Rights and Freedoms, the Charter of Human Rights and Freedoms, or any other source contained in a course outline, apply to witnesses, petitioners, and respondent.

14. Every petitioner and respondent shall be represented by Counsel which shall be appointed by the Commission. Selection of Counsel shall not be made on the basis of either their experience or inexperience or past record of success or failure before any other Court.

15. Notwithstanding section 13, Counsel for the petitioner and the respondent may each call a maximum of three witnesses and enter a maximum of three exhibits.

16. During oral argument, Counsel must argue the law.

17. If Counsel cannot comply with section 16 above, Counsel must argue the facts.

18. If Counsel cannot comply with either of section 16 or 17 above, Counsel must pound on the table and scream like hell.

19. Any person causing a disturbance during the Student-Faculty Moot may be found in contempt.

20. There is no appeal from a decision of the majority of the Judges of the Student-Faculty Moot, either sitting alone or with a Jury.

OFFENCES AND PENALTIES

21. Every person who contravenes a provision of this Act is guilty of an offence and may be liable, in addition to costs,

    (a) to public ridicule for the remainder of the term;
    (b) to be advised to attend a Dale Carnegie course;
    (c) to establish a certain notoreity within the Faculty.

22. Nothing in this Act in any manner limits or affects Her Majesty's royal prerogative of mercy.

APPLICATION

23. This Act will come into force upon proclamation.

24. Upon proclamation, this Act will have retroactive effect to April 1, 1867.

Student Participation Prize

Last year a prize rewarding participation in student activities for the Faculty of Law was created. Its purpose is two-fold. First, it is hoped that an award of this kind would encourage student involvement in the faculty. Second, it is thought that the value of that involvement should obtain official recognition.

Academic records are not considered as a factor. The sole criteria for the award is active participation and involvment in any facet of community life in the Faculty of Law. Prizes will be presented to the award-winners at the annual Banquet on March 12, 1983; this will include a momento of recognition and a certificate. In addition, the names of the award-winners will be engraved on a plaque to be hung in Old Chancellor Day Hall.

The prize may be awarded to up to ten students. Candidates may nominate themselves or be nominated by their colleagues. Nomination forms are available at SAO. It is requested that they be filled out and returned by March 4, 1983. At this time the nominations will be evaluated by the Scholarships Committee and the class presidents. Interviews will be held when necessary.

Rhonda Gilbert
Prizes and Scholarships Committee

student representation

Cont'd from p. 4

asked the members not to emphasize the different conflict of interests that student and professors have, but to base their values on the unity of interests. With this recommendation, the meeting was adjourned until March 2.

Cotler

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they may not have a fair trial in that country. So the result is that most suspected Nazi war criminals in this country will remain immune from legal process unless Canada initiates its own legal remedies. This case has shown Canada to undertake to bring these people to justice within Canada.

There is a related, fundamental moral dimension here. Neo-Nazism is rearing its ugly head again in Europe and there are people, even in "respectable" academic insitutions who are stating, perhaps in footnoted words, that the Holocaust never occurred at all. For Canada not to prosecute Nazi war criminals is to provide a form of vindication to the old Nazis and to give encouragement to the new ones. If we do not bring these people to justice, we are saying that these crimes are not as enormous as the testimonials claim, or that these things can now be forgotten as if they never occurred at all.

We think that there are educational dimensions involved as well. It has been said by many educators that we should be teaching the Holocaust in our schools, as a matter of required study, the horrors of the Holocaust, and what I call the universal implications of the Holocaust if we say that the legal chapter is closed?

QN: So therefore, do you think that Canada should be seeking its own remedy, and if so what type of remedy do you suggest?

Cotler: I think that Canada has an obligation under International Law to seek a remedy. Since the late Forties we have assented to United Nations resolutions calling upon Canada as a matter of its universal commitment to investigate, arrest, prosecute, and bring suspected Nazi war criminals to justice. In fact, we are signatories to international treaties which call upon us to do so. Therefore, not to bring suspected Nazi war criminals to justice could be regarded as a standing breach of our international commitments.

I also believe that there are a number of specific remedies that Canada can undertake. First, one could prosecute under the War Crimes Act. However, there are some deficiencies with respect to the War Crimes Act, although these deficiencies are procedural and not substantive. They can certainly be corrected by way of amendments to the existing legislation.

Taking the worst case scenario, that the War Crimes Act is not an appropriate legal remedy, there is still s.11(g) of the Charter that has provided the basis for the enactment of new legislation. Section 11(g) says that retroactivity shall not be a bar to prosecution or to a defense against the prosecution, where the crimes are, according to International Law, crimes that have always been known to be criminal. Section 11(g) was expressly passed in order to respond to those critics who said that the War Crimes Act is inappropriate because it would be regarded as retroactive legislation. Section 11(g) says that where we are dealing with war crimes, retroactivity is not a defence.

Secondly, there is possibly a remedy in the Geneva Conventions Act. Thirdly, there may also be a remedy under a notion of international common law where the universality of the crime and its jurisdiction would allow Canada to prosecute. Fourthly, one can move to revocate citizenship on the grounds that such Nazi war criminals fraudulently became Canadian citizens by misrepresenting the material facts. However, there is an evidentiary problem. The Canadian government says that it does not have the data upon which such revocations may be based. However, Rauca is an exception in that he was interned as an enemy alien. This can constitute grounds for subsequent revocation of citizenship.

To summarize I would say that we have four remedies: prosecution under the War Crimes Act, the Geneva Conventions Act, the use and application of international common law, and revocation of citizenship. Failing any of those remedies, we can always enact new legislation to bring war criminals to justice using s.11(g) of the Charter, which specifically states that new legislation will not be deemed retroactive.

The absence of any legal initiative has to be more of

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Cotler

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a comment on the absence of political will than on the absence of legal remedies. I think that it is a tragic commentary that it had to take 36 years before the first Nazi war criminal was brought before a court in this country and that it had to take an extradition request by a foreign country, namely West Germany, before that person would be brought before the courts. Most Nazi war criminals are non-extraditable and if the government says that extradition is the only remedy, we say that extradition is an appropriate remedy but it is a limited remedy for the reasons that I have mentioned. If the government proceeds to say that extradition is the only remedy they are saying, in effect, that most Nazi war criminals are immune from the legal process. We say that is intolerable as a matter of law, as a matter of international obligations, and as a matter of international morality.

QN: Who are you representing in this case?

Cotler: In this case I represent a consortium of groups for the Canadian Jewish Congress. Included amongst them are a significant number of Holocaust survivors, including the survivors of the Kovno ghetto in Lithuania who have asked me to take up the case on their behalf, some of whom were eyewitnesses to Rauca's actions at the time. In fact, the depositions of several of these eyewitnesses have been introduced and admitted as evidence with respect to Rauca's alleged crimes.

QN: This final question may perhaps seem redundant. What made you take this case on? Does this fit in to your role as an international lawyer?

Cotler: There are a number of considerations which have involved me in this case. In one sense I am a survivor of the Holocaust. These issues of the crimes of the Holocaust are something that I have lived with. Those of us who are here have a certain obligation to the victims of the Holocaust. The one thing that I always remember is reading from Simon Weisenthal that what troubled the Holocaust victims marching at times to certain death was not so much that they were going to die but that the truth may never be told.

There is also a personal element involved that I haven't talked about. Part of my family was in the Kovno ghetto. Knowing something about what happened, I feel that I was obliged to bring the testimony forward, to bring the case before the courts, and to see that justice would not only be done but would be seen to be done.

Judicial Board

Please Take Note that APPLICATION FORMS for students wishing to apply for positions on the Judicial Board, are available at the LSA Office.

Informations juridiques

Chaque semaine, du lundi au vendredi, sur les ondes de CKOI-FM/97
1:30 p.m.
6:30 p.m.
Une présentation de la Clinique d'aide juridique de l'Université McGill.

Rule of Law

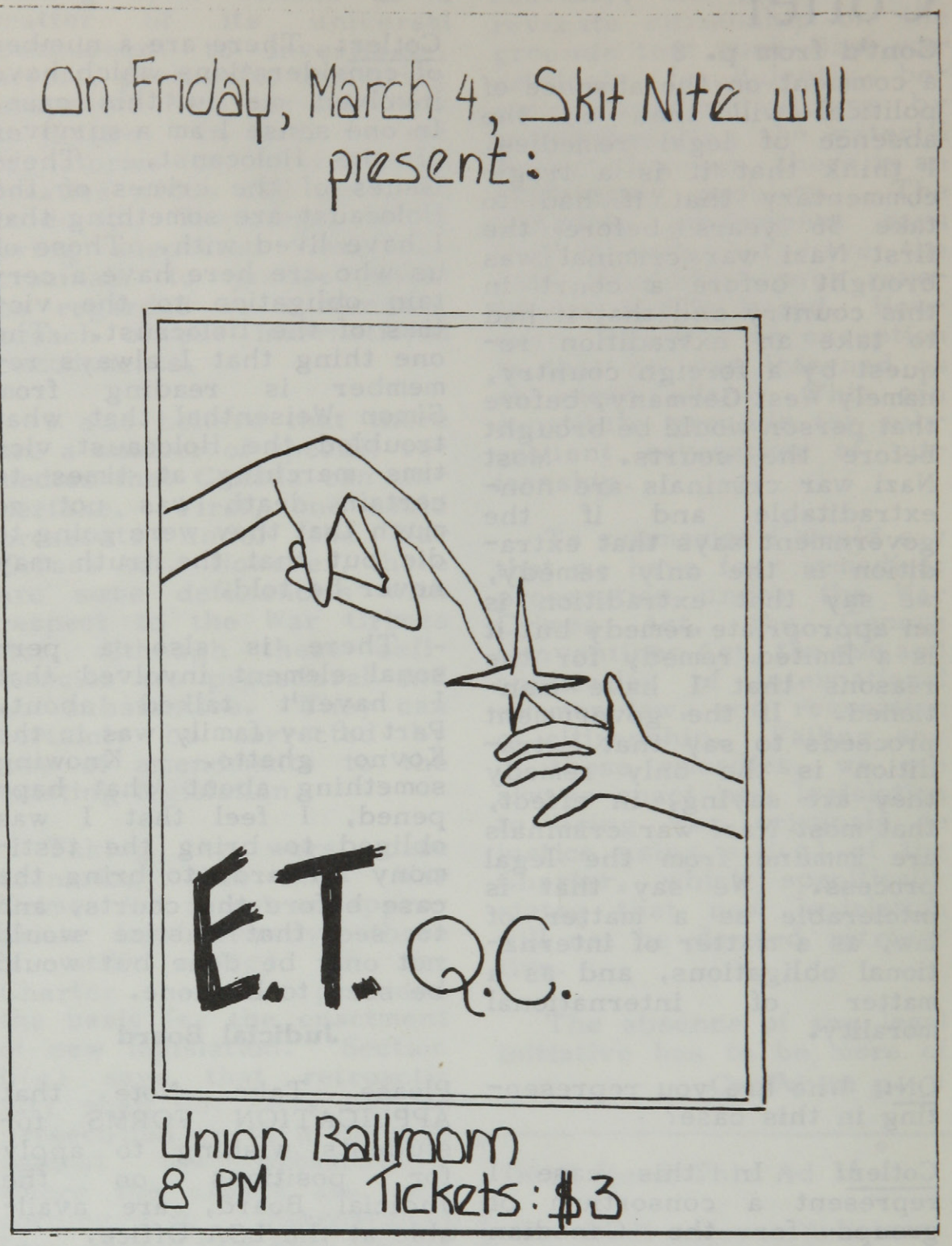
On January 20, 1983, Bill C-671, an Act respecting the execution of Clifford Robert Olson passed first reading. It proposes that Olson be "executed by hanging within 90 days of the coming into force of this Act." Justification of this unusual measure is stated in the preamble of the Act:

"And whereas the continued presence of Clifford Robert Olson within the Canadian penal institution does not serve to relieve Canadians of this fear in general nor to remove the anguish and lessen the grief of the families of those eleven young Canadians in particular..."

Section 3 provides a notwithstanding clause in order to circumvent the Canadian Charter of Rights and Freedoms as well as the Canadian Bill of Rights.

Numerous complicated issues arise from the Act, among them, capital punishment, the effect of notwithstanding cluases, our penal institutional system, etc. However, there is one issue that predominates all others: the Rule of Law. Regardless of the hostile feelings that the majority of Canadians feel towards this abhorrent individual, the rule of law remains a fundamental tenet that permeates the British and Canadian heritage. Dicey, a renowned 19th century British constitutional lawyer, in his 3-part definition of the rule of law, writes the following in his first principal:

"the supremacy of regular law as opposed to the influence of arbitrary power excluding the existence of arbitrariness, prerogative or even of wide discretionary authority on the part of the government."



In Canada, there has been a moratorium on capital punishment since the early 1970's. Regardless of one's views on capital punishment, this Act proposes to single out one man among many who have been incarcerated for similar offences (murder). Canada is a country that is subject to the Rule of Law, laws that should be applicable and uniform throughout. To enact the above legislation is to open the door and create a dangerous precedent in arbitrarily discriminating in respect of individuals, classes of persons or minority groups on the grounds of race, religion, or such reasons not affording a proper basis for making a distinction between human beings. This would leave us in the same comapny of such regimes as Iran, Nazi Germany or the Soviet Union with its well-intentioned 500-page plus constitution that is violated daily.

Whether or not capital punishment is reinstated is moot in this particular issue. The issue is whether Canadians wish to live under the rule of law or to supercede it. The Rule of Law separates man and animal, jungle and civilization.

Michael R. Concister